

**Sterne Kessler  
Goldstein Fox**  
ATTORNEYS AT LAW



Robert Greene Sterne  
Edward J. Kessler  
Jorge A. Goldstein  
David K.S. Cornwell  
Robert W. Esmond  
Tracy-Gene G. Durkin  
Michele A. Cimbala  
Michael B. Ray  
Robert E. Sokohl  
Eric K. Steffe  
Michael Q. Lee  
Steven R. Ludwig  
John M. Covert  
Linda E. Alcorn  
Robert C. Millonig  
Lawrence B. Bugaisky  
Donald J. Featherstone  
Michael V. Messenger

Judith U. Kim  
Timothy J. Shea, Jr.  
Patrick E. Garrett  
Heidi L. Kraus  
Edward W. Yee  
Albert L. Ferro  
Donald R. Banowitz  
Peter A. Jackman  
Molly A. McCall  
Teresa U. Medler  
Jeffrey S. Weaver  
Kendrick P. Patterson  
Vincent L. Capuano  
Albert J. Fasulo II  
Eldora Ellison Floyd  
Thomas C. Fiala  
Brian J. Del Buono  
Virgil Lee Beaston

Kimberly N. Reddick  
Theodore A. Wood  
Elizabeth J. Haanes  
Bruce E. Chalker  
Joseph S. Ostroff  
Frank R. Cottingham  
Christine M. Lhulier  
Rae Lynn Prengaman  
Jane Shershenovich  
Lawrence J. Carroll  
George S. Bardmesser  
Daniel A. Klein  
Rodney G. Maze  
Jason D. Eisenberg  
Michael A. Specht  
Andrea J. Kamag  
Tracy L. Muller  
Jon E. Wright

LuAnne M. Yuricek\*

**Registered Patent Agents\***

Karen R. Markowicz  
Nancy J. Leith  
Ann E. Summerfield  
Helene C. Carlson  
Gaby L. Longworth  
Matthew J. Dowd  
Aaron L. Schwartz  
Angelique G. Uy  
Mary B. Tung  
Katrina Y. Pei  
Bryan L. Skelton  
Robert A. Schwartzman  
John J. Figueroa  
Timothy A. Doyle  
Jennifer R. Mahalingappa

Teresa A. Colella  
Jeffrey S. Lundgren  
Victoria S. Rutherford

**Of Counsel**  
Kenneth C. Bass III  
Lisa A. Dunner  
Evan R. Smith

\* Admitted only in Maryland  
\* Admitted only in Virginia  
\* Practice Limited to  
Federal Agencies

April 11, 2003

**WRITER'S DIRECT NUMBER:**

(202) 772-8526

**INTERNET ADDRESS:**

ANGIE@SKGF.COM

Commissioner for Patents  
Washington, D.C. 20231

**Art Unit 1642**

Re: U.S. Non-Provisional Utility Patent Application  
Appl. No. 09/402,713; 102(e) Date: June 13, 2000  
For: **PCA3, PCA3 Genes, and Methods of Use**  
Inventor: **BUSSEMAKERS**  
Our Ref: 1619.0020001/SRL/AGU

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal Form (PTO/SB/17);
2. Petition for Extension of Time Under 37 C.F.R. § 1.136(a)(1);
3. Notice of Appeal From the Examiner to the Board of Patent Appeals and Interferences - Small Entity;
4. Amendment and Reply Under 37 C.F.R. § 1.116;
5. Statements Concerning the Deposits;
6. Credit Card Payment Form in the amount of \$670.00: for \$45.00 Excess Claims Fee, \$465.00 Extension of Time Fee and \$160.00 Notice of Appeal; and
7. One (1) Return Postcard.

RECEIVED  
APR 15 2003  
TECH CENTER 1600/2900

Commissioner for Patents  
April 11, 2003  
Page 2

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Angelique G. Uy  
Agent for Applicant  
Registration No. 48,832

SRL/AGU/mhd  
Enclosures

::ODMA\MHODMA\SKGF\_DC1;120812;1



BUSSEMAKERS  
Appl. No. 09/402,713

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BUSSEMAKERS

Appl. No. 09/402,713 (U.S. Natl. Stage of  
PCT/CA98/00346; I.A. Filing Date: April 9,  
1998)

102(e) Date: June 13, 2000

For: PCA3, PCA3 Genes and Methods  
of Use

Confirmation No.: 6311

Art Unit: 1642

Examiner: Davis, Natalie A.

Atty. Docket: 1619.0020001/SRL/AGU

#  
26  
60  
4-16-03

## Statements Concerning the Deposits

RECEIVED

APR 15 2003

Commissioner for Patents  
Washington, D.C. 20231

TECH CENTER 1600/2900

Sir:

In reply to the Office Action dated October 11, 2002 (Paper No. 22), Applicant submits the following Statements concerning the biological deposits.

pMB9 was deposited at the Phabagen Collection, University of Utrecht, Padualaan 8, 3584 CH Utrecht (which is a division of the Centraalbureau voor Schimmelcultures, Oosterstratt1, Postbus 273, 3740 AG Baarn) under the regulations of the Budapest Treaty on April 10, 1997, and given accession number CBS 682.97.

ADD3.6 was deposited at the Phabagen Collection, University of Utrecht, Padualaan 8, 3584 CH Utrecht (which is a division of the Centraalbureau voor Schimmelcultures, Oosterstratt1, Postbus 273, 3740 AG Baarn) under the regulations of the Budapest Treaty on March 27, 1998, and given accession number CBS 100521.

Applicant advises that:

- a) during the pendency of this application, access to the deposits will be afforded to the Commissioner upon request;

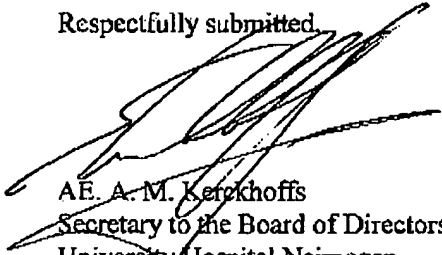
-2-

BUSSEMAKERS  
Appl. No. 09/402,713

- b) all restrictions upon the availability to the public of the deposited biological material will be irrevocably removed upon the granting of a patent on this application;
- c) the deposits will be maintained in a public depository for a period at least thirty years from the date of deposit or for the enforceable life of the patent or for a period of five years after the date of the most recent request for the furnishing of a sample of the deposited biological material, whichever is longest; and
- d) the deposits will be replaced if they should become nonviable or non replicable.

The undersigned hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant patent application or any patent issuing thereon.

Respectfully submitted,



A.E. A. M. Kerkhoffs  
Secretary to the Board of Directors  
University Hospital Nijmegen  
The Netherlands

Date: 270203

**FEE TRANSMITTAL  
for FY 2003**

Patent fees are subject to annual revision.

**Complete if Known**

Application Number	09/402,713
102 (e) Date	June 13, 2000
First Named Inventor	Marion J. G. BUSSEMAKERS
Examiner Name	Misook YU
Group Art Unit	1642
Attorney Docket No.	1619.0020001/SRL/AGU

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$670.00)****METHOD OF PAYMENT (check all that apply)**

☐ Check ☒ Credit card ☐ Money Order ☒ Other\*\* ☐ None  
 \*\* Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

☐ Deposit Account  
 Deposit Account Number 19-0036

Deposit Account Name: Sterne, Kessler, Goldstein &amp; Fox P.L.L.C.

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any over payments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1105	160	2005	80	Provisional filing fee	

**SUBTOTAL (1) (\$)** 0.00**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Extra	Fee from below	Fee Paid
Total Claims 28 - 23** = 5	X 9.00	= 45.00
Indep. Claims 4 - 5 = 0	X 42.00	= 0
Multiple Dependent 0		= 0

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$)** 45.00

\*\*or number previously paid, if greater; For Reissue, see above

**3. ADDITIONAL FEES**

Large Entity Small Entity


Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1502	50	2052	25	Surcharge-late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	465.00
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	160.00
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)** 625.00**SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)	Angelique G. Uy	Registration No. (Attorney/Agent)	48,832	Telephone	202-371-2600
Signature		Date	4/11/03		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2. S&amp;A\_F\_001:120782.1